

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Northern District of Texas

Case number (if known): _____ Chapter 11☐ Check if this is an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy****04/20**If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.**1. Debtor's name** DeBoer Agricultural Holdings, LLC**2. All other names debtor used in the last 8 years** _____
_____Include any assumed names, trade names, and *doing business as* names
_____**3. Debtor's federal Employer Identification Number (EIN)** 3 2 - 0 6 2 1 7 6 6

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>4172 E. State Highway 6</u>	_____
	Number Street	Number Street
	_____	<u>PO Box 280</u>
	<u>Dublin, TX 76446</u>	P.O. Box
	City State ZIP Code	<u>Dublin, TX 76446-0280</u>
	<u>Erath</u>	City State ZIP Code
	County	Location of principal assets, if different from principal place of business

		Number Street

		City State ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor DeBoer Agricultural Holdings, LLC
Name _____

Case number (if known) _____

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

1 1 1 9**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

A debtor who is a "small business debtor" must check the first subbox. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ **Chapter 11. Check all that apply:**

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____
MM / DD / YYYY**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**☒ No☐ Yes. Debtor _____ Relationship _____

List all cases. If more than 1, attach a separate list.

District _____ When _____ Case number, if known _____
MM / DD / YYYY

Debtor DeBoer Agricultural Holdings, LLC
Name

Case number (if known) _____

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** *(Check all that apply.)*

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard?

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number Street

City

State

ZIP Code

Is the property insured?☐ No

☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds?***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- ☒ 1-49 ☐ 50-99 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 25,001-50,000 ☐ 50,000-100,000
- ☐ 100-199 ☐ 200-999 ☐ 10,001-25,000 ☐ More than 100,000

15. Estimated assets

- ☐ \$0-\$50,000 ☒ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion
- ☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion
- ☐ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion
- ☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

Debtor DeBoer Agricultural Holdings, LLC
Name

Case number (if known) _____

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures**WARNING --**

Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

- The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- I have been authorized to file this petition on behalf of the debtor.
- I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 03/27/2022
MM/ DD/ YYYY

X

/s/ Durk DeBoer
Signature of authorized representative of debtor

Durk DeBoer
Printed name

Title President

18. Signature of attorney**X**

/s/ Vickie L. Driver
Signature of attorney for debtor

Date 03/27/2022
MM/ DD/ YYYY

Vickie L. Driver
Printed name

Crowe & Dunlevy, P. C.
Firm name

2525 McKinnon St., Suite 425
Number Street

Dallas TX 75201
City State ZIP Code

(214) 420-2140 vickie.driver@crowedunlevy.com
Contact phone Email address

24026886 TX
Bar number State

**UNANIMOUS WRITTEN CONSENT AND RESOLUTION
OF THE MEMBERS OF DEBOER AGRICULTURAL HOLDINGS, LLC**

The undersigned, being all the members of DeBoer Agricultural Holdings, LLC, (the “Company”), a Texas limited liability company, does by this Unanimous Written Consent hereby adopt the following Resolution by a unanimous vote, and agrees to take the following actions and adopts the following resolutions:

WHEREAS, the undersigned, each being a Member of the Company and collectively comprising the Members of the Company (the “Members”) have reviewed and discussed the Company’s current financial viability; and

WHEREAS, the Members have evaluated and considered the information provided and the recommendations of the Company’s officers and legal advisors; and

WHEREAS, the *Company Operating Agreement, dated November 15, 2019*, requires Member approval to commence a voluntary bankruptcy by the Company; and

WHEREAS the Members have determined that it is in the best interest of the Company that the Company file a petition seeking relief under the provisions of chapter 11, title 11, Subchapter V of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Texas, Ft. Worth Division (the “Bankruptcy Court”);

IT IS:

NOW, THEREFORE RESOLVED, that in the judgment of the Members, it is desirable and in the best interests of the Company, its creditors, employees, members, investors and other interested parties, that the Company file a petition seeking relief under the provisions of chapter 11, Subchapter V of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas, Ft. Worth Division; and it is

FURTHER RESOLVED, that the Members hereby delegate to Durk DeBoer, President of the Company, authority and control of the Company regarding the management and executive decision making responsibility for the bankruptcy proceedings, to execute and verify a voluntary petition for relief under chapter 11, Subchapter V of the Bankruptcy Code, and to cause same to be filed with the Bankruptcy Court; and it is

FURTHER RESOLVED, that Durk DeBoer is authorized to execute and file all petitions, schedules, lists, motions, pleadings, instruments, affidavits, applications, statements, and all material related hereto, and to take such additional actions as he may deem necessary or proper with a view to the successful prosecution of the Company’s chapter 11 case; and it is



FURTHER RESOLVED, that Durk DeBoer is authorized, in the name of and on behalf of the Company, to take or cause to be taken any and all such further action and to incur all such fees and expenses as in his judgment shall be necessary, appropriate or advisable to effectuate the purpose and intent of any of the foregoing resolutions, including but not limited to the hiring and retention of any and all professionals needed to support, advise or otherwise effectuate the

Company's bankruptcy case, and to pay such professionals in connection therewith on the Company's behalf, such professionals to include, without limitation, an independent director.

This written resolution may be executed in one or more counterparts and by facsimile, each of which shall constitute an original document, but all of which taken together shall constitute one instrument. Each counterparty shall be effective with respect to each Member signing it, even if another Member whose signature is contemplated hereunder does not sign the same counterpart.

IN WITNESS HEREOF, this consent is executed on March 27, 2022.

MEMBERS:

 <u>Durk deBoer (Mar 27, 2022 15:44 CDT)</u> Durk DeBoer	
 <u>Shawna deBoer (Mar 27, 2022 15:50 CDT)</u> Shawna DeBoer	

B2030 (Form 2030) (12/15)

United States Bankruptcy Court

Northern District of Texas

In re DeBoer Agricultural Holdings, LLC

Case No. _____

DebtorChapter 11**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$6,817.00
Prior to the filing of this statement I have received	\$6,817.00
Balance Due	\$0.00

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify)

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

Post-petition matters.

B2030 (Form 2030) (12/15)

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

03/27/2022
Date

/s/ Vickie L. Driver
Vickie L. Driver
Signature of Attorney

Bar Number: 24026886
Crowe & Dunlevy, P. C.
2525 McKinnon St., Suite 425
Dallas, TX 75201
Phone: (214) 420-2140

Crowe & Dunlevy, P. C.
Name of law firm

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

DeBoer Agricultural Holdings, LLC

Debtor(s)

§

§

§ Case No. _____

§

§ Chapter 11

**DECLARATION FOR ELECTRONIC FILING OF
BANKRUPTCY PETITION AND MASTER MAILING LIST (MATRIX)**

PART I: DECLARATION OF PETITIONER:

As an individual debtor in this case, or as the individual authorized to act on behalf of the corporation, partnership, or limited liability company seeking bankruptcy relief in this case, I hereby request relief as, or on behalf of, the debtor in accordance with the chapter of title 11, United States Code, specified in the petition to be filed electronically in this case. I have read the information provided in the petition and in the lists of creditors to be filed electronically in this case and I HEREBY DECLARE UNDER PENALTY OF PERJURY that the information provided therein, as well as the social security information disclosed in this document, is true and correct. I understand that this Declaration is to be filed with the Bankruptcy Court within five (5) business days after the petition and lists of creditors have been filed electronically. I understand that a failure to file the signed original of this Declaration will result in the dismissal of my case.



[Only include for Chapter 7 individual petitioners whose debts are primarily consumer debts] --

I am an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7. I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under chapter 7.



[Only include if petitioner is a corporation, partnership or limited liability company] --

I hereby further declare under penalty of perjury that I have been authorized to file the petition and lists of creditors on behalf of the debtor in this case.

Date 03/27/2022_____
/s/ Durk DeBoer

Durk DeBoer

President

EIN No. 6 6 4 2**PART II: DECLARATION OF ATTORNEY:**

I declare UNDER PENALTY OF PERJURY that: (1) I will give the debtor(s) a copy of all documents referenced by Part I herein which are filed with the United States Bankruptcy Court; and (2) I have informed the debtor(s), if an individual with primarily consumer debts, that he or she may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Date 03/27/2022_____
/s/ Vickie L. Driver

Vickie L. Driver

Attorney